

**DEPARTMENT OF AGRICULTURE  
THOROUGHBRED RACING COMMISSION  
NOTICE OF PUBLIC HEARING**

The Delaware Thoroughbred Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to amend the following rules:

- Rule 6.0 to better describe license structure and requirements.
- Rule 11.1.1 to require eligibility at the time of entry and starting of a race; and
- Rule 15 to clarify policy and procedure surrounding the use, testing and penalty for prohibited substances and impermissible levels of acceptable substances.

The Commission will hold a public hearing on the proposed rule change on February 27, 2007. Written comments may be sent via e-mail to: john.wayne@state.de.us, or via regular U.S. postal delivery to: John F. Wayne, Executive Director, Delaware Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, DE 19804.

**NUTRIENT MANAGEMENT  
PUBLIC NOTICE**

**1201 Nutrient Management Certification Regulations**

Pursuant to 29 **Del.C.** §10115, I hereby recommend the proposed modifications to the nutrient handling certification regulations and mandate regulations to be posted in the *Register of Regulations* during the month of January, 2007.

Nutrient Management Certification Regulation Amendments (Exhibit A): Certification by the Delaware Nutrient Management Program, 2320 S. Dupont Hwy., Dover, DE 19901, is required (3 **Del.C.** §2201 - 2290) for all who apply fertilizer and/or animal manure greater than 10 acres or who manage animals greater than 8,000 pounds of live animal weight. The proposed changes to the certification regulations establish nutrient handling requirements for certain nutrient handlers. The proposed regulation addresses application timing and placement for commercial inorganic fertilizer and organic fertilizer

Comments on the proposed changes will be accepted from January 1, 2007 until January 31, 2007. Any comments should be provided to the Nutrient Management Program office located at 2320 S. Dupont Hwy., Dover, DE 19901, ATTN: William Rohrer. A hearing for the proposed regulations will be conducted at the Delaware Department of Agriculture on January 22, 2007 at 4:00 PM. A meeting to accept the proposed changes was held at the Nutrient Management Full Commission meeting on December 12, 2006 at 7:00 p.m. The accepted changes are indicated below.

Amendments: Paragraphs 6.0 - 14.0, reference 1200 Nutrient Management, 1201 Nutrient Management Certification Regulations; Paragraph 4.0, reference Nutrient Management, 1203 Mandatory Nutrient Management Plan Reporting Implementation Regulations.

**DEPARTMENT OF EDUCATION**

The Department of Education will hold its monthly meeting on Thursday, January 18, 2007 at 9:00 a.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF FINANCE  
DIVISION OF REVENUE  
PUBLIC NOTICE**

**301 Publication of Tax Information**

Questions have arisen about the application and interplay between sections (b)(2) and (b)(4) of the act as they relate to the publication of names when in the case of entities other than natural persons the Department is contemplating publishing the names of 25% owners, beneficial owners, or responsible officers of such entities.

Particularly, the Department has been asked if the word "taxpayer" appearing in the first line of section (b)(2) and in section (b)(4) means only "the entities other than natural persons" referred to in last part of section (b)(2) or whether the word "taxpayer" as used in section (b)(2) includes those individual 25% owners, beneficial owners or responsible officers of the entities whose names the Department intends to publish?

Questions or comments about this regulation may be directed to Deputy Director Colleen Yegla at [c.yegla@state.de.us](mailto:c.yegla@state.de.us) or by phone to (302) 577-8680. The deadline for receipt of public comments is November 30, 2006.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
**NOTICE OF PUBLIC HEARING**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend existing rules in the Division of Social Services Manual (DSSM) to comply with the transfer of assets provisions mandated by the Deficit Reduction Act (DRA) of 2005 (Public Law 109-171).

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy and Program Development Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to 302-255-4425 (new fax number) by January 31, 2007.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**  
**DIVISION OF AIR AND WASTE MANAGEMENT**  
**NOTICE OF PUBLIC HEARING**

On April 15, 2004, the United States Environmental Protection Agency designated Delaware's Sussex County as Non-Attainment for meeting the 8-hour national ambient air quality standard for Ozone. The Delaware Department of Natural Resources and Environmental Control's Air Quality Management Section has drafted language to include Sussex County in the Ozone Season Open Burning Ban as well as expand the open burning ban timeframe from June 1st - August 31st in the current regulation, to May 1st - September 30th, and to clarify the prohibitions in the existing regulation and their interaction with other applicable laws and regulation.

The changes mentioned above constitute the primary amendments to the regulation. However, due to the expansion of the burning ban statewide, the format of the entire regulation required changing because the prohibitions that were attributable to certain areas no longer exists. As a result, the approach taken to the amendment is to delete the existing regulation in its entirety and adopt a new version. Except for the expansion detailed above, the only changes made are to clarify the implementation of the regulation, based on experience of staff, and are not intended to be more stringent.

Public Hearing scheduled January 31, 2007 beginning at 6:00 pm DNREC Auditorium, Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901. Contact Valerie Gray (302) 739-9402, December 14, 2006. Email - [Valerie.gray@state.de.us](mailto:Valerie.gray@state.de.us).

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**200 Board of Landscape Architects**  
**NOTICE OF PUBLIC HEARING**

The Delaware Board of Landscape Architects in accordance with 24 **Del.C.** §205 has proposed amendments to rule 6.0 *Renewal of Licenses* and rule 7.0 *Continuing Education as a Condition of Biennial Renewal* of its rules and regulations. The proposed amendments enable licensees to renew their licenses online and attest that they have completed the required continuing education. Documentation of having completed the required continuing education must still be maintained by the licensee but it will only be required to be produced in the event the licensee is randomly selected for continuing education audit post renewal.

A public hearing will be held on February 8, 2007 at 9:15 a.m. in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Landscape Architects, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover, DE 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION  
700 Board of Chiropractic  
NOTICE OF PUBLIC HEARING**

The Delaware Board of Chiropractic, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §706(a)(1), proposes changes to its Regulation 3.0 affecting the certification in a chiropractic specialty. Specifically, the amendments specify two nationally recognized certification bodies whose requirements for practitioner specialization are acceptable to the Board.

A public hearing is scheduled for Thursday, February 15, 2007 at 8:30 a.m. in the second floor Conference Room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Board will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to the Board care of Sandra Wagner at the above address. The final date to submit written comments will be at the public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Sandra Wagner at the above address or by calling (302) 744-4532.

The Board will consider promulgating the proposed regulations immediately following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION  
1900 Board of Nursing  
NOTICE OF PUBLIC HEARING**

The Delaware Board of Nursing in accordance with 24 **Del.C.** §1906(1) has proposed changes to its rules and regulations related to Regulation 15.0 "Offenses Substantially Related to the Practice of Nursing." The Board has re-evaluated the list of offenses in Regulation 15.0 as the result of statutory changes to 24 **Del.C.** §§1910 and 1914 which require more than 5 years to have elapsed since the applicant for licensure has discharged all imposed sentences with regard to the offenses in Regulation 15.0. The Board is proposing to delete a number of the offenses and/or to limit the consideration of certain offenses to felony convictions.

A public hearing will be held on February 21, 2007 at 9:00 a.m. The public hearing will be held in the Corporate Training Center (CTC) Room 400, the Delaware Technical Community College, 1832 N. DuPont Hwy, Dover DE 19901 where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Nursing, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover, DE 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION  
3300 Board of Veterinary Medicine  
NOTICE OF PUBLIC HEARING**

The Board of Veterinary Medicine pursuant to 24 **Del.C.** §3306 purposes to change Professional Regulation 9.1.2. The Board will hold a public hearing on February 13, 2007. Written comments should be sent to Jennifer Myer, Administrative Assistant to the Board of Veterinary Medicine, Division of Professional Regulation, Cannon Building, 861 Silver Lake Boulevard, Suite 203, Dover, DE 19904-2467.

The proposed changes are for the purpose of allowing and facilitating online continuing education attestation.

## **DEPARTMENT OF TRANSPORTATION NOTICE OF PUBLIC COMMENT PERIOD**

The Delaware Department of Transportation through its Transportation Solutions - Utilities Section has developed revised regulations for the installation, adjustment, and maintenance of utility lines and appurtenances within the rights-of-way of Delaware's highways. These regulations define the requirements which apply to utility accommodation along or within the rights-of-way of State-controlled highways, and State-maintained streets and roads within suburban developments or within the incorporated limits of a municipality. The Utilities Manual revises and updates the DeIDOT Utilities Design Manual, effective in October 1995.

The Departments will take written comments on the Regulations from January 1, 2007 through January 31, 2007. Any requests for copies of the Utilities Manual, or any questions or comments regarding this document should be directed to:

Francis Hahn, Utilities Engineer  
Delaware Department of Transportation  
PO Box 778  
Dover, DE 19903  
(302) 760-2269 (telephone) (302) 739-8282 (fax) [fran.hahn@state.de.us](mailto:fran.hahn@state.de.us)